Message

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Sent: 11/13/2018 4:44:57 PM
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Subject: News Articles (For EPA Distribution Only)

INSIDEEPA.COM ARTICLES

Congress Gears Up For TSCA Oversight But Bipartisan Prospects Limited

Congress is poised to conduct oversight of EPA's efforts to implement the revised Toxic Substances Control Act (TSCA) but prospects for bipartisan scrutiny of the agency's actions appear limited, sources say, despite broad support for the law's passage and concerns from both industry and environmentalists about different aspects of the program.

Lawmakers Weigh EPA's FY19 Spending In Lame Duck But Changes Unlikely

In the wake of the midterm elections, Congress is gearing up for a debate in the upcoming lame duck session on whether and how to fund EPA and several other agencies for the rest of fiscal year 2019 ahead of an early December deadline -- amid signs prior to the election that lawmakers appear likely to provide the agency with level funding.

Asbestos Group Seeks Specialized Peer Review Panel For Draft Assessment

The Asbestos Disease Awareness Association (ADAO) is urging EPA to name a specialized panel of experts in asbestos' toxicity and asbestos-related diseases to peer review EPA's pending draft assessment of health risks stemming from certain limited uses of the substance under the revised Toxic Substances Control Act (TSCA).

Environmentalists Resist EPA's TSCA Chemical 'Uses' Claims

Environmental and labor groups challenging the Trump administration's rules for prioritizing and evaluating existing chemicals under the revised toxics law are rejecting EPA assertions that the law grants broad discretion to determine the chemical uses it considers for possible regulation, charging that the law requires EPA to consider all conditions of use.

Democrats Likely To Use CRA As Messaging Tool To Fight EPA Rollbacks

House Democrats are expected to use the Congressional Review Act (CRA) -- the law historically used by Republicans to rescind swaths of the Obama administration's regulatory agenda -- as a political weapon to challenge the Trump administration's deregulatory efforts at EPA and other agencies when they formally assume control of the chamber in 2019.

EPA Reorganization Gives Cover For Enforcement Cuts, Union Official Says

An EPA union official says the agency's upcoming restructuring of its regional offices appears designed to overhaul existing enforcement policies and chains of command, likely bolstering political leadership's ability to push reduced regional enforcement and more-lenient compliance while limiting the national enforcement office's oversight of regions.

GREENWIRE ARTICLES

Agency 'hemorrhaging' taxpayer dollars — watchdog

Courtney Columbus, E&E News reporter

Published: Monday, November 12, 2018

A government watchdog is criticizing the Chemical Safety Board for lacking transparency and spending hundreds of thousands of dollars in a personnel case involving a former managing director of the agency.

CSB will hold a closed-door meeting tomorrow on a "legal services support contract" to a law firm, according to Public Employees for Environmental Responsibility.

PEER says the agency is "hemorrhaging a lot of taxpayer money" on the case, which centers on the removal of former CSB Managing Director Daniel Horowitz. PEER is representing Horowitz, who is fighting his dismissal.

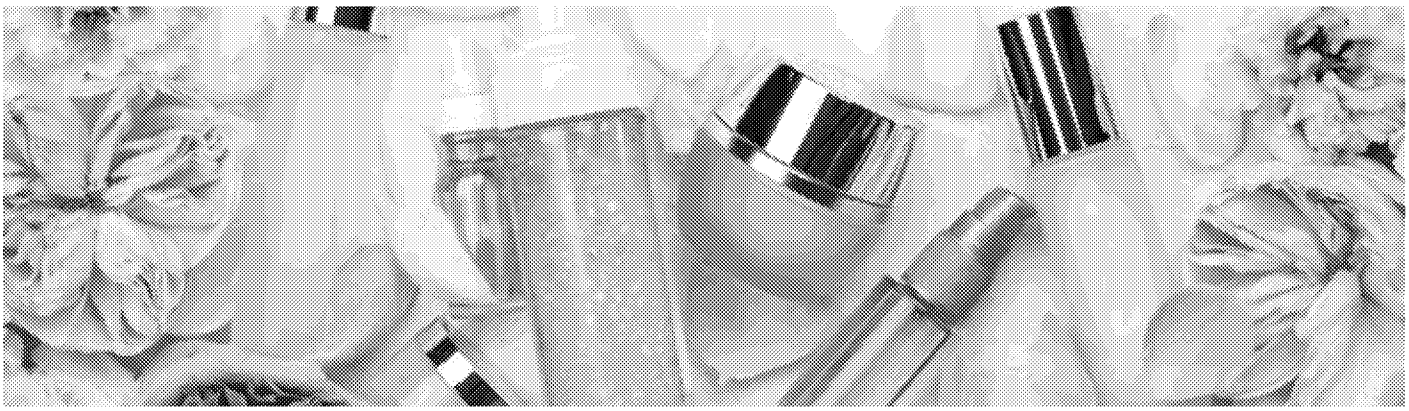
https://www.eenews.net/greenwire/2018/11/12/stories/1060105969

CHEMICAL WATCH ARTICLES

Echa's Board of Appeal and cosmetics testing on animals

Recent decisions have missed a golden opportunity to rule on the principle that animal testing should never be allowed for cosmetic ingredients

Global Business Briefing, November 2018



In 2013, the European Commission told European citizens that animal testing of cosmetics in the EU, and the sale here of cosmetics that had been tested on animals elsewhere, were now things of the past. No ifs, no buts. It did not matter whether or not non-animal methods were available.

The EU was taking a moral stance, reflecting public concern. It was willing to take the risk of being challenged by the World Trade Organization (WTO). This was European political leadership at its best – a bold and brave decision, based on doing the right thing and responding to overwhelming public opinion.

It is hard to overestimate the ground-breaking impact of the European cosmetics testing bans. They have been, and continue to be, models for legislation around the world. Despite the doom-mongering of much of industry at the time, the European cosmetics business continues to flourish, investment in non-animal methods for cosmetics has had benefits far beyond that sector and animal suffering has been avoided on a massive scale.

Sadly, over time, interpretation of the law has weakened the bans considerably. In October 2014, the European Commission and Echa published a joint note to the effect that they only applied to ingredients used exclusively in cosmetics (which very few are) and not to tests nominally carried out for worker, as opposed to consumer, safety.

The scientific tests for worker and consumer safety are identical, for the obvious reason that workers, like consumers, are human beings, and worker safety data is needed in just about every case. It is therefore too easy for companies to circumvent the bans by labelling tests as being for worker safety.

Article 18 ban

Cruelty Free International and the European Coalition to End Animal Experiments (ECEAE) have argued that Echa's approach is clearly contrary to Article 18 of the cosmetics Regulation, which contains the animal testing bans, and to REACH. Importantly, REACH specifically says that its testing requirements have to give way to the cosmetics bans.

In a case brought by the European Federation for Cosmetics Ingredients (EFCI) in 2016, in which Cruelty Free International intervened, the Court of Justice of the European Union (CJEU) ruled that companies cannot rely on animal test data to establish the safety of cosmetics products for the EU market, even if the test is done outside the EU.

It can make no difference in this regard whether a substance is exclusively used in cosmetics or whether a test is nominally for worker safety. It would therefore be self-defeating to carry out animal tests.

The EU legislature has adopted a policy that the suffering of animals is not justified for cosmetics and that, if a new cosmetic ingredient could only be developed safely by testing it on animals, society should forego it. The policy must, as a matter of logic, apply as much to the safety of workers in developing an inessential product as to the safety of consumers in using one.

Unfortunately, the Echa Board of Appeal has recently missed two golden opportunities to give an authoritative ruling. The appellants in these cases were BASF and Symrise; ECEAE and People for the Ethical Treatment of Animals' (Peta's) International Science Consortium were given permission to intervene in the appeals.

In each case, the substances are exclusively used in cosmetics and Echa had raised worker safety in its decisions. BASF's case involved the prenatal developmental toxicity (PNDT) study and Symrise's the extended one-generation reproductive toxicity study (Eogrts). Each test involves a large number of animals and causes considerable suffering.

The PNDT uses approximately 900 rats or 480 rabbits. The test substance is usually administered daily by gavage to pregnant female animals at least from implantation (around day five post-mating) to one day before partum, at which point they are killed. It is well-documented that gavaging causes distress and occasional serious injury.

An Eogrts involves at least 1,200 animals, more if additional cohorts are needed. They are dosed for at least ten weeks, during which time they are mated. With each test, the substances are given to some of the animals at levels that will almost inevitably cause toxic effects, with all the suffering that is likely to entail.

How to interpret bans

Disappointingly, in each case the board sidestepped the issue of how the cosmetics bans should be interpreted, although in the BASF case it did, as ECEAE had urged, reject Echa's argument that those bans were not its concern, on the basis that they came from legislation for which it was not responsible. It felt able to sidestep the issues essentially because it found Echa to be in breach of procedural requirements and therefore remitted each case back to the agency.

In BASF's case, the principal procedural defect the Board of Appeal identified, ironically, was Echa's failure to consider the relationship between the cosmetics Regulation and REACH, leading to inadequacy in its reasons. The board ordered the company to remedy the defect, but without telling it what the correct legal approach was. In Symrise's case, which came later, ECEAE pleaded with the board to give general guidance but this fell on deaf ears.

The board has a central role in REACH. It provides a safety net against poor decision making. Its primary role, of course, is to decide the appeal put before it. However, even though its decisions are explicitly not legal precedents, it has a valuable role in providing guidance that goes beyond the facts of the individual case. Echa then generally follows this in other cases.

The problem in these two cases is not so much that the board remitted the cases on procedural grounds but that it failed to give any guidance on the substantive legal principles, which should govern the agency's considerations second time round. That has two consequences.

First, Echa has no idea what principles it should follow when it reconsiders the two cases. It is likely to adopt the same approach, which could lead to further appeals if it confirms that the animal tests should be carried out. Fresh appeals would cost everyone more money and cause additional delay, which is in no-one's interest.

The second is that the lack of guidance causes continuing uncertainty about how the law should be applied in other cases. Almost inevitably, Echa will continue to interpret the cosmetics bans in an extremely restrictive manner, because it has not been told that this is wrong.

If we are right about how the bans should be applied, the inescapable result is that thousands of animals are suffering in circumstances where EU legislature intended that they should not. That is damaging to the rule of law.

Opportunity for clarity

By chance, the Board of Appeal has an early chance to redeem itself. Symrise has recently initiated two further appeals. In each, the substance is again exclusively used in cosmetics. Unlike in its previous appeal, the company now argues that it cannot be required to carry out the animal tests in questions – which include the Eogrts, the PNDT and a sub-chronic toxicity study – because it would then not be able to market cosmetic products containing the substances in the EU.

Symrise maintains that it makes no difference whether there are worker safety concerns. In other words, it has adopted ECEAE's approach. Importantly, with the exception of one of the tests in one of the two appeals, there appear to be no procedural issues to muddy the waters. The board will have to grapple with how the cosmetics bans should be interpreted in the context of REACH.

Cruelty Free International and the ECEAE hope that the board will determine the appeals as soon as possible. It has a heavy workload, no doubt, but there can be no excuse for the more than six months it took to determine the first Symrise appeal after the hearing, particularly given that it did not address the important and substantive legal issues.

Just as importantly, we hope that the board will align the law with the expectations of EU citizens regarding the cosmetics ban and thereby restore a measure of public confidence in the Commission and Echa on animal welfare.

David Thomas, legal *adviser to* Cruelty Free *International and ECEAE, also contributed to this article. The views expressed in it are those of the expert authors and are not necessarily shared by Chemical Watch*

Dr Katy Taylor

Director of science and regulatory affairs,

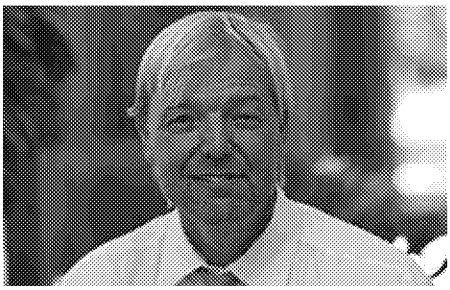
Cruelty Free International and the European

Coalition to End Animal Experiments (ECEAE)

Echa to 'step up' REACH compliance efforts, Hansen tells MEPs

Agency head grilled at annual meeting on 'failing' approach

9 November 2018 / Data, Europe, REACH, Substance registration



Echa head Bjorn Hansen has told MEPs that he is committed to improving efforts on REACH registration compliance issues.

His statement came in an annual exchange of views with members of the European Parliament's Environment Committee on 8 November.

The discussion centered around a recent German project that checked 3,800 REACH dossiers and found that 32% for substances at tonnage levels of 1,000tpa and above were non-compliant.

Mr Hansen said Echa is "concerned" about the results of the study and the agency "will step up" to address them.

Echa conducts compliance checks and has done "a lot of work" in this area, he said. "But I clearly and totally subscribe to [the view] it is not sufficient."

The agency has so far looked at 700 substances. Of those, two-thirds needed further data, he added. Echa's approach, he went on, is not to randomly select substances, but to choose chemicals where there is a higher likelihood of non-compliance.

MEP criticism

Dutch MEP Bas Eickhout said it was time that Echa took action "showing your urgency and your concern". People are not necessarily saying chemicals are unsafe, he added, but "the problem is we don't know – and these are the high volume chemicals. This is around 95% of the volume of the chemicals on the European market."

Echa must "start very clearly communicating" what action has been taken and explain why certain chemicals are still on the market, he said.

If after 10 years, the conclusion is that one-third of the dossiers are incomplete, "then Echa is falling. Very simple." Mr Eickhout questioned how many dossiers had been revoked in that time. "Four? Five? That's far less than if you really did a proper check."

Polish MEP Bolesław Piecha called for more transparency and suggested that information should be made public about non-compliant companies. He conceded it is a "delicate" issue but it is of "utmost importance" for Echa to be credible and show it is working for the benefit of both humans and the environment.

In reply Mr Hansen said "you have a commitment from me. We will do more. We will put more efforts into compliance." Exactly how that is going to transpire in terms of numbers of dossiers, he added, "is difficult to say at the moment".

Resources

French MEP Michèle Rivasi noted that the REACH regulation says Echa must analyse 5% of submissions. "You need to increase that," she said. "It can't just be 5% – we need 100%. More money and more experts may be required. "Give me a figure," she said. "We need hard facts."

Echa needs to make any improvements immediately, she added. "You need to say to member states 'this is what we need; these are the resources we need. These are the improvements that can be made.' It's pretty critical isn't it?"

One full-time equivalent staff member can undertake about five dossier compliance checks in one year, Mr Hansen said. It would require "many, many years" to check all registrations up front, he added, and that instead the agency decided "to ex-poste check the compliance".

The system, he said, is set up for the companies to stay on the market. "They are not illegally on the market," he said. "The system is set up so all these dossiers are complete, but a high fraction are not compliant."

The agency's current target is to check 200 dossiers a year, he said, although "we are going more in the direction" of 200 substances.

"What I'm looking at is an acceleration of these efforts. But I would dare to say that if we find 200 substances that cover 30% of the volume on the market then it's better than doing 300 substances that only cover 5% of the volume on the market."

Echa and the Commission are in discussions about the issue of resources and financing, Mr Hansen said.

Luke Buxton

EMEA desk editor

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- REACH registration project finds low compliance rates
- Echa revokes four REACH registration dossiers

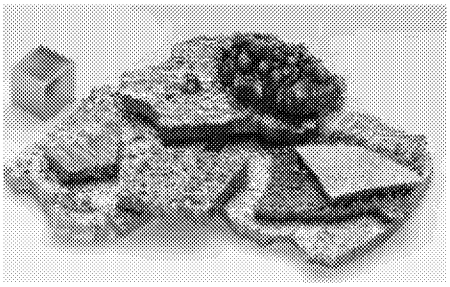
Further Information:

- Envi webstream

Echa agrees to review cobalt classification method

Working group will address industry concerns over carcinogenic potency

12 November 2018 / Classification, labelling and packaging Regulation, CMRs, Europe, Metals



Echa has agreed to review the method used in the classification of cobalt metal as a category 1B carcinogen after industry raised questions over the proposed specific concentration limits.

The agency will organise a working group to look at the methodology and will report the findings to the Competent Authorities for REACH and CLP (Caracal) on 21-22 November, a spokesperson told Chemical Watch.

Echa's Risk Assessment Committee (Rac) adopted an opinion last year for the harmonised classification and labelling (CLH) of cobalt metal for all routes of exposure with a specific concentration limit (SCL) of 0.01% w/w.

But in a document shared at the June Caracal meeting, industry association body Eurometaux probed the "appropriateness" of the methodology used to calculate the carcinogenic potency and generate the SCL. It asked Echa for more time to evaluate these concerns, and suggested a temporary generic concentration limit (GCL) of 0.1% instead.

Eurometaux launched its own review to determine whether the 'T25' method used to determine carcinogenic potency is suitable for substances generating local cancers via inhalation, and also more specifically, for inorganic metals. T25 is generally used for organic substances that are oral carcinogens.

The first results of this review indicate that applying the T25 method results in the majority of inorganic substances being classified as 'high-potency carcinogens' following inhalation exposure, Eurometaux said.

The question to be discussed further, it added, is "whether this is purely the result of the methodology and applied assumptions or whether this corresponds to a biological reality".

The Echa working group could also investigate other aspects such as adjustment of exposures to dust/particulates, as the current conversion factors apply to gases and vapours, Eurometaux said.

Support for GCL

The industry body has shared the outcomes of its review with Echa and the European Commission, and "authorities will hopefully allow these findings and resulting recommendations to be discussed by the expert group".

The cobalt metal's adaptation to technical progress (ATP) entry will be further discussed at the next REACH committee in December. Industry hopes the committee will support an interim GCL, which "would then be revised in line with the conclusions of the expert group," Eurometaux said.

The harmonised classification and labelling of hazardous substances is updated through an ATP adopted yearly by the Commission, following Rac's opinion.

Industry has said that the proposed 0.01% SCL would hit them hard. Cobalt metal is used as a precursor in the manufacture of chemicals for batteries for various portable consumer goods, as well as the emerging market for electric vehicles.

Echa has previously said that while the potency categories based on T25 are simplistic, they could not be regarded as "wrong *per se*".

Clelia Oziel

EMEA correspondent

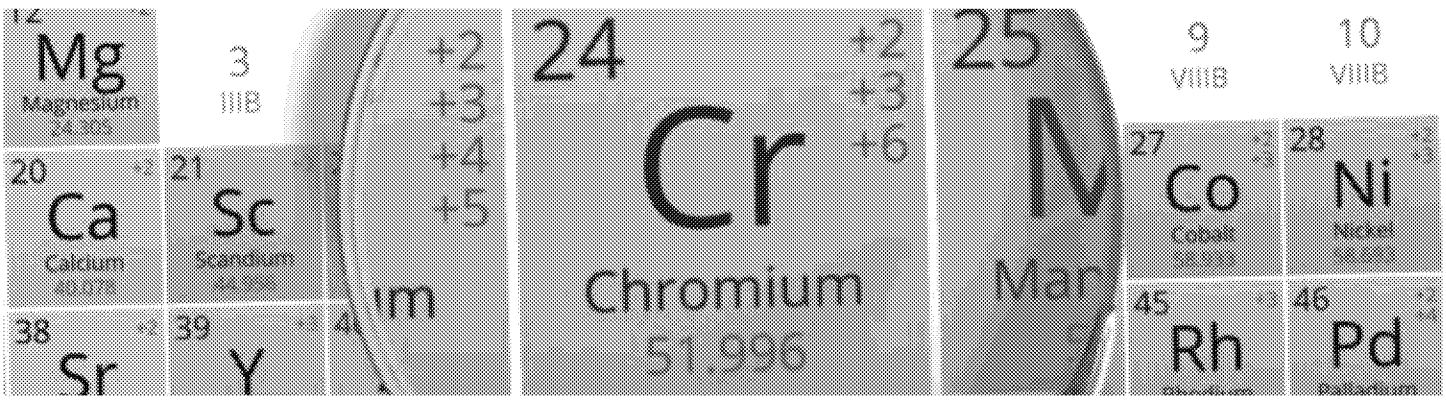
Related Articles

- Echa's risk committee focuses on carcinogen occupational exposure
- Industry asks for time to review proposed cobalt metal classification
- EU publishes 13th ATP to CLP

Business Guide to Safer Chemicals 2018: Hard choices

A small Finnish technology provider is seeking to replace hexavalent chrome in hard chrome plating

12 November 2018 / Europe, Finland, SVHCs



This article was first published in the *Business Guide to Safer Chemicals 2018*. Download your free copy of the guide for more in-depth, practical case studies that examine how companies are addressing the various chemical safety challenges they face.

Hexavalent chrome (Cr(VI)) is widely used in industry. Almost all chromium ore is processed via hexavalent chromium, mainly the sodium dichromate salt, though other compounds, including chromium trioxide and various chromate and dichromate salts are also known. Key applications for Cr(VI) include:

- chromate pigments in dyes, paints, inks, and plastics;
- chromate anticorrosive agents in paints, primers and other surface coatings; and
- chromic acid electroplated onto metal parts to provide a decorative or protective coating.

Hexavalent chrome is also formed in certain industrial processes, such as when welding on stainless steel or melting chromium metal. Workers who handle chromate-containing products or who grind and weld stainless steel are particularly exposed to it.

As a heavy metal that cannot decompose in nature, Cr(VI) can accumulate in dangerous quantities via the food chain if it ends up in drinking water or wastewater. It was in this respect that it is best known globally, because it was at the centre of one of the most notorious environmental scandals involving chemicals ever to happen in the US.

In 1996, the Pacific Gas & Chemical Company settled a case for $333m, after many years in which Cr(VI)-containing wastewater from a cooling tower in the compressor station at Hinkley, California, was discharged over many years to unlined ponds and seeped into groundwater, affecting a wide area. This was the story behind the feature film Erin Brockovich, starring Julia Roberts.

Cr(VI) is highly toxic substance and is the most toxic form of chromium, because cells in the human body can mistake it for much-needed sulfates. Those who are exposed to it are at increased risk of developing lung cancer, asthma and skin damage.

REACH drives substitution

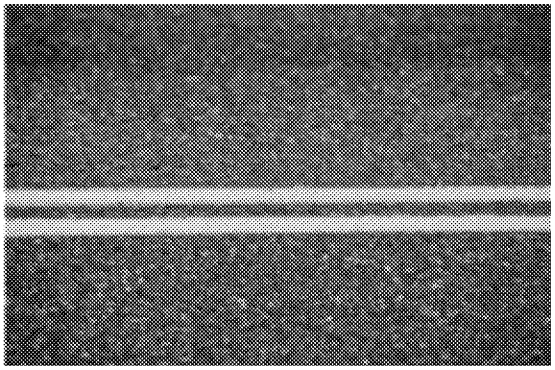
Chromium trioxide is a SVHC under REACH for its carcinogenic and mutagenic properties and is subject to authorisation. The use of Cr(VI) in electronic equipment is already banned in the EU via the RoHS Directive.

The need for authorisation under REACH and consequent costs is prodding companies to look for alternatives. Echa is also offering some incentives and support. One such company is Savroc of Kuopio, Finland, a technology provider that is active in hard chrome plating. Savroc has just spent two years proving its technology on an industrial scale, working with its largest customer, Tecnocrom Industrial, a plating company in Barcelona.

The company's goal is to license and implement its patent-pending technology. It raised €1 million in additional funding from investors in August 2017 in order to build a new technology centre and expand international sales. The centre has since been completed.

Partly funded by Finland's Centre of Economic Development, Transport and Environment, this has two plating lines and can provide customers with training and testing services, and samples. This year, says chief technology officer Juha Miettinen, the company is negotiating license sales and "we have a few new industrial installations going on".

Trivalent chrome plating



Savroc's technology replaces the hexavalent chromium used in hard chrome plating with trivalent chromium (Cr(III)). The different chemical properties of Cr(III) mean that is much less toxic. So, because its process uses REACH-approved chemicals throughout, the company believes its solution can help plating companies to compete, despite REACH restrictions.

"The use of a trivalent chrome electrolyte ensures there are no REACH compliance problems with the chemistry, because the process is completely hex chrome-free," says Mr Miettinen. "And because our plating process uses a standard electrolytic method, the same methods can be applied." It also means that customers can use a familiar process, changing only the chemistry.

There are Cr(III)-based coatings on the market, says Miettinen, but these are mainly used for decorative purposes and have found limited applications because of their poor mechanical properties. Savroc's solution is to use a proprietary TripleHard additive that facilitates plating of 1,700 Hv hardness. This is not just sufficient for industrial applications, it is also significantly above of the 1,000 Hv of standard Cr(VI)-based plating.

As well as standard electrolytic processes, the technique also uses a thermal pulsation treatment. According to Mr Miettinen, this produces internal diffusions and phase transformations inside the chrome layer. This "kind of multi-phase structure" in the coating stack "transforms the hardness of these layers stacks. This decreases as a function of depth, resulting in a sort of elasticity function," he says.

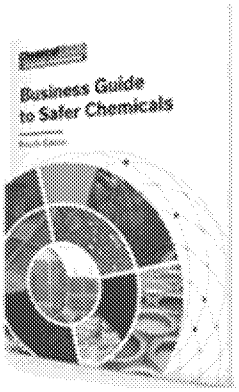
While the chrome coating can be added directly to a steel base, the company particularly promotes the additional use of nickel under-layers, which significantly increase the anti-corrosion properties of the coating. Thus, says Mr Miettinen, the process not only avoids authorisation fees for REACH compliance but provides financial benefits longer-term because "better mechanical properties result in less maintenance".

Future plans

The company has five patents pending, for which it is making applications in eight regions worldwide. "So far we have not found any one-to-one competitors in the market," says Mr Miettinen, which "gives us a remarkable competitive edge. Legislation is also a really strong driving force for us. These regulations force customers to switch to greener, safer chemistry and toxic-free alternatives," he adds.

The process has to date produced automotive parts, cylinders, hydraulics valves, pistons, shock absorbers and even shotgun barrels and grenade mortars. "The current focus is with hydraulic cylinders because of the anti-corrosion properties we can produce and because this is a high-scale business," Mr Miettinen says. "However, we have also passed a customer's shooting tests on gun-barrel applications."

How are companies in the chemicals industry addressing the complex and practical challenges of making safer chemicals?



The *Business Guide to Safer Chemicals*, now in its fourth year, brings together a series of in-depth, practical case studies that examine how companies are addressing the various chemical safety challenges they face.

In this year's edition, we take a look at companies across a diverse range of sectors, including textiles, aerospace and defence, paints and coatings and organic pigments, among others.

If you're a brand, material or component manufacturer, the guide will provide you with **ideas** and **practical examples** of how businesses are delivering all the good things that chemicals bring to modern life with fewer of the downsides.

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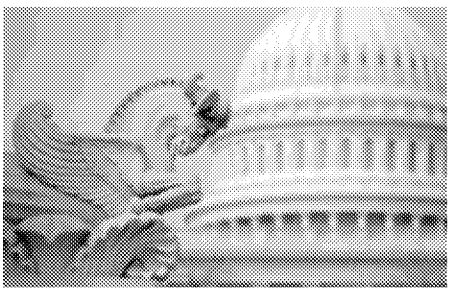
US midterms trigger leadership shifts for federal chemical legislation

'Aggressive oversight' expected from Democrats in charge of key House committees

13 November 2018 / TSCA, United States



The split in US legislative power following last week's midterm elections carries with it a range of implications for federal chemicals policy.

While the Republicans will retain control of the Senate, the Democrats will regain the majority in the House of Representatives for the first time since 2010. This will result in a parallel shift in leadership in each of the House's 20 permanent committees, affording Democrats the opportunity to exercise greater oversight of agency activities and of the legislative process more broadly.

The new Congress will begin its session on 3 January 2019.

Many are forecasting that a Democrat-led House will seek to increase its oversight of federal agencies and their activities, including of the EPA and its implementation of TSCA.

"Pent-up energy among House Democrats in the minority will translate into an aggressive oversight agenda that will harken to the days of Chairman John Dingell (D-Michigan), with his impressive oversight infrastructure, and Henry Waxman (D-California), who ousted Dingell to lead Energy and Commerce and struck fear in all industries with his merciless investigations," law firm Arnold & Porter said in an election analysis bulletin.

In an American Chemical Society webinar on the impact of the midterms on science and chemistry regulation, Anthony Pitagno, ACS director of government affairs and alliances, and Ben Pershing, editor of the *National Review*, said vigorous oversight will be key in the Democrats' approach.

"Scientific integrity will be a top issue," said Mr Pitagno. "TSCA is a little less clear. I could see a Democratic House wanting to press the EPA on how they are actually implementing TSCA, but I think the scientific integrity issues will be first out of the gate."

Shifts in leadership of key committees

House committees that deal with science policy and the environment are poised to see new leaders who have been far more critical of the Trump administration's EPA than existing chairs.

The chairman of the House Committee on Science, Space and Technology, Lamar Smith (R–Texas), is retiring, and is likely to be replaced by Eddie Bernice Johnson (D–Texas).

Mr Smith – who opposes policies aimed at mitigating the effects of climate change – has been a vocal critic of the EPA's Integrated Risk Information System (IRIS) programme and has threatened to pull US financial support for the International Agency for Research on Cancer (Iarc).

During the ACS webinar, the change in leadership in this committee was described as "where the single greatest change [for science legislation] can manifest itself".

Meanwhile, Frank Pallone (D–New Jersey) is slated to take over the chairman role of the House Energy and Commerce Committee from Greg Walden (R–Oregon).

As a ranking member, Mr Pallone has been highly critical of the Trump administration's EPA, raising concern about lack of transparency and pressing for the release of a controversially delayed PFAS toxicological profile.

He has called the TSCA 'framework rules', finalised under the Trump administration, a "handout to industry" and questioned former administrator Scott Pruitt about the narrowed scope of the risk evaluations of high priority chemicals under TSCA.

With the Democrats' winning the House, Mr Pallone said he plans to "conduct vigorous oversight of the Trump administration, so Washington works again for the people not the special interests".

"There has never been a more important time to have someone like Frank Pallone assume the role of top cop on behalf of public health," said Ken Cook, president of the Environmental Working Group. "The Trump administration and pro-polluter members of Congress will finally be forced to answer for rubber-stamping toxic chemicals and pesticides on behalf of the chemical industry."

Democrats, too, will take the helm of the appropriations committee, which oversees the allocation of the government's funds. However, even under Republican control, Congress has been largely rejecting the Trump administration's push to dramatically slash EPA funding.

Meanwhile, Republicans still hold the Senate and therefore will retain the majority vote for administration appointments. Acting Administrator Andrew Wheeler – who took over when Scott Pruitt resigned after a controversial and scandal-plagued tenure – will manage the EPA until the president appoints, and the Senate confirms, a permanent successor.

Existing bills

While some bills will get passed during the 'lame duck' session between now and January, most will die in committee before next year.

But some stakeholders are already looking to specific bills that they will hope to see reintroduced in the coming session. Given the change in leadership, many stakeholders in bipartisan bills will seek a Democrat, rather than a Republican, to sponsor them.

The Household and Commercial Products Association (HCPA) says that it has been working with a coalition to get support for the Sustainable Chemistry Research and Development Act. This bipartisan legislation, which was re-introduced in 2018 after initially being floated in 2015, seeks to coordinate federal programmes and activities in support of the development of chemistries with reduced health and environmental impacts.

Mr Pitango said that the measure also is one the ACS "will be pushing for strongly" in the new Congress.

The EWG has named reform of federal cosmetics law a top priority. Congress has seen several bills introduced seeking to strengthen the Food and Drug Administration's (FDA) authorities, but none has made significant progress.

The NGO has also called for a federal plan to address the "widespread and growing PFAS water contamination crisis".

The new session is likely to see continued advocacy for the reintroduction of a variety of measures, including around labelling and ingredient transparency, the EPA's science policy and IRIS programme, and regulatory reform.

But with a divided Congress and an array of competing issues, gridlock is expected to continue.

"The forefront of chemical regulation is going to keep happening on the state level," Gretchen Salter, interim head of NGO Safer States, told Chemical Watch.

By Kelly Franklin and Lisa Martine Jenkins

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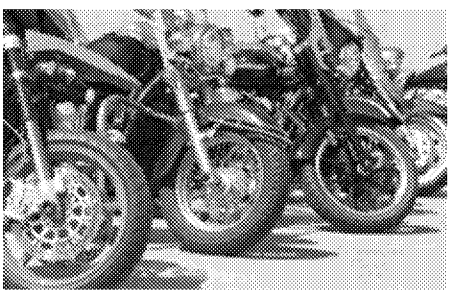
Safety shortcomings found in 68% of inspected Finnish small workplaces

Chemical risk assessment inappropriate in two thirds of companies

13 November 2018 / Aerospace, automotive & engineering, Enforcement, Exposure monitoring & measurement, Finland, Safety data sheets



Inspections in nearly 400 small industrial workplaces, car and motorcycle repair shops and laundries across Finland have found "significant shortcomings" in chemical safety measures aimed at protecting workers.

Some 68% of the 396 workplaces inspected did not have an appropriate chemical risk assessment in place, according to a recent report from the country's Occupational Safety and Health Authority. Risk assessment was "totally missing" in 33% of workplaces and "inadequate" in 35%, it added.

Almost half of those inspected, 47%, had difficulty in providing a list of chemicals to workers while 30% had problems with material safety data sheets. In 29% of the inspections, a workplace survey concerning chemical safety was not available to employees.

"The result is worrying," said Satu Auno, senior officer at the Regional State Administration of Southern Finland, which

conducted the inspections. Many workplaces do not know how to use SDSs, he said, "then employees may not even know they're dealing with hazardous chemicals that may have, for example, skin permeable toxins".

"Employees should know what chemical they use, how to use the chemical safely and what to do if exposed to chemicals," Mr Auno said, adding that "the employer is responsible for ensuring" this.

'Often ignored' chemicals

The inspections, carried out between 8-12 October, focused on small workplaces and repair shops because chemicals used in maintenance and servicing are "often ignored", the Finnish authority said.

Potentially hazardous chemicals used included battery acids, brake fluids, oils and fuels, solvents and professional use detergents.

Many chemicals were treated with improper protective equipment, accounting for 12% of cases. For example, protective gloves suitable for handling machinery were used even though these do not protect against chemical exposure. Similarly, safety goggles were used where air masks were needed.

In 10% of cases, SDSs were not available in the required languages. Companies must ask their suppliers to provide these in Finnish and Swedish, as well as English, Mr Auno said.

Other deficiencies included lack of chemical labelling and general ventilation of the workplace.

'Surprising' outcome

The inspections were carried out in 108 municipalities across the country, including Helsinki, and involved close to 50 inspectors.

The Finnish authority said it was "surprised" by the poor level of chemical safety because many of the workplaces had been previously controlled, "but the obligations imposed by the inspection were left untreated or treated only partially".

The authority has issued written advice and improvement notices to the employers found to be non-compliant and these will be checked again during the next inspection, Sami Kajander, an inspector at the authority, told Chemical Watch.

Mr Auno said enhanced surveillance of chemical safety would continue in the future.

As part of the inspection project, the Finnish authority also published an online test that allows employees to check how well chemical safety issues are dealt with in their workplace.

Separately last month, the European Agency for Safety and Health at Work (EU-Osha) led a week of activities across Europe to raise awareness of managing dangerous substances in the workplace.

Clelia Oziel

EMEA correspondent

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NGOs report spike in US asbestos imports

Groups decry lobbying for chlor-alkali exemption

13 November 2018 / CMRs, TSCA, United States

Imports of asbestos to the US are "surging", according to two NGOs which are calling for a widespread ban on the substance's use.

The increase, they say, is "a major indicator that industry is not concerned about President Trump and the EPA taking any steps to ban or even reduce the use and import of asbestos".

The Asbestos Disease Awareness Organization (ADAO) and Environmental Working Group (EWG) published import statistics last month, citing data from the US International Trade Commission and the Department of Commerce.

They say that the US imported 272 metric tons of asbestos in August alone, bringing the year's total to more than 550 tons – a jump from the 340 tons brought in throughout 2017.

Sam Nurick, a spokesperson for the groups, told Chemical Watch that analysis of several years of data shows occasional spikes, but that August's volume "far exceeds other high water marks".

"The jumps seem to correlate with elections where companies might think a change in Congress or the presidency will impact their ability to import – like right before the 2016 election and now leading up to a likely change in House leadership," she added. Ms Nurick spoke to Chemical Watch ahead of the midterm elections that saw such a shift take place.

The American Chemistry Council told Chemical Watch that it does not have any specific information on the import numbers. But it said that historical data "indicate import quantities can vary greatly by month, suggesting fluctuations may be routine".

Controversy over chlor-alkali exemption

The import data analysis comes as asbestos remains at the centre of controversy in the US.

Consumer advocates have been highly critical that the ongoing risk evaluation of the substance – one of the first ten being conducted under the amended TSCA – does not include legacy uses and other exposures. Meanwhile, the EPA's proposal to impose a significant new use rule (Snur) to require notification and approval for the reintroduction of a variety of abandoned, but otherwise unregulated, uses of asbestos, also made nationwide news, amid confusion that the agency was opening the door to new uses.

The EWG and ADAO, pointing to a report from the US Geological Survey which indicates that the only remaining user of raw asbestos in the US is the chlor-alkali industry, criticised that industry for its lobbying to maintain the exemption.

"It is appalling that unlike more than 60 nations around the world, the US not only fails to ban asbestos, but allows imports to increase," said Linda Reinstein, president and co-founder of ADAO. "The time is now for the EPA to say no to the asbestos industry and finally ban asbestos without exemptions."

The ACC said that facilities that use chrysotile asbestos diaphragms, during the manufacturing process of chlorine and caustic soda, "adhere to established safety protocols to minimise potential asbestos exposure to works, the public and the environment".

"The chlor-alkali industry's goal is that the use of asbestos continues to be protective of worker and environmental health," said the ACC.

The trade group and its members "have and will continue to work with the EPA to ensure the risk evaluation of asbestos is robust and scientifically accurate", it added.

Draft TSCA risk evaluations for asbestos and nine other substances are expected to be released in the coming months, with plans for these to be finalised by December 2019. Should the agency determine that asbestos poses an unreasonable risk to human health or the environment, the law requires that the EPA move directly to a risk management rule to address the identified concern.

The EPA indicated in its semiannual regulatory agenda that it plans to finalise the asbestos Snur in January.

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